

REMARKS

This amendment after final rejection should be entered because it amends independent claim 19 in the manner suggested in the Action. The phrase “programmed to” suggested at page 5 of the Action has been included in claim 19. Claim 19 was not previously amended because the suggestion for “programmed to” was first made in the final action. The amendment places this application in condition for allowance.

The rejection of claims 19 to 25 as being anticipated by Kitaevich et al (US Patent 6,471,872) and the obviousness rejection of claim 21 based on Kitaevich et al in view of Cochran are traversed. The claimed invention includes a biosensor that generates a “baseline feedback signal” that is stored by the controller and later used to automatically determine a signal threshold. Kitaevich et al do not disclose a controller storing a baseline signal or using a baseline signal to determine a threshold signal.

Kitaevich et al do not disclose a controller:

“storing a baseline feedback signal generated by the biosensor during an initial phase of blood filtration treatment, said controller programmed to reduce the controlled filtration if the feedback signal exceeds the feedback signal threshold, wherein the signal threshold is automatically determined by the controller and is a function of the baseline feedback signal.” [Independent claim 19 (emphasis supplied)]

Kitaevich et al, col. 3, lns. 63-67, disclose threshold levels selected by a human operator. Kitaevich et al teach away from determining a threshold level based on a baseline signal. Because Kitaevich et al do not disclose or suggest generating a baseline feedback signal or

setting the threshold as a function of the base line signal, Kitaevich et al would not have rendered the claimed invention to have been obvious.

Contrary to the Action, entering patient parameters does not constitute “storing a baseline feedback signal generated by the biosensor.” Patient parameters are neither a “base line feedback signal” nor generated by the biosensor.

Kitaevich et al, col. 3, lns. 63-67, disclose a hemofiltration controller that has threshold levels selected by a human operator. Kitaevich et al, col. 9, lns. 16 to 35, disclose a controller that monitors certain conditions of the patient. Kitaevich et al do not disclose generating a baseline signal using a sensor or applying the baseline signal to automatically determine a signal threshold. The section of Kitaevich cited in the Action does not address a baseline feedback signal at col. 8 lines 35 to 45 Kitaevich et al teach that alarms are generated when limits are exceeded (see col. 8, ln. 43-46) but do not suggest that limits be determined based on a baseline measurement.

The grounds for patentability of the dependent claims further include:

(i) Kitaevich et al do not disclose a threshold signal that is automatically determined based on a sum of a feedback signal obtained during an initial phase of a treatment of the patient and a predetermined current feedback signal change.

See claim 21

(ii) Kitaevich et al do not disclose a control step of automatically increasing the reduced filtrate flow, if the feedback signal exceeds the threshold. See claim 25.

There is no suggestion to combine Cochran with Kitaevich et al to form the invention recited in claim 21. Cochran also does not teach storing a baseline feedback signal generated by a biosensor. Cochran teaches estimating parameters and, thus, teaches away from the invention.

All claims are in good condition for allowance. If any matter remains outstanding, the Examiner is requested to telephone the undersigned attorney. Prompt reconsideration and allowance of this application are requested.

Respectfully submitted,

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